

REFERENCE TITLE: railroad right-of-way; hearings

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2713

Introduced by
Representatives Pancrazi, Gallardo, Sinema, Ulmer: Barnes, Cajero Bedford,
Campbell CH, Campbell CL, Clark, Kirkpatrick, Lopes, Lopez, Mason, Nelson,
Prezelski, Rios P, Saradnik, Schapira, Senators Aguirre, Verschoor

AN ACT

AMENDING SECTION 40-831, ARIZONA REVISED STATUTES; RELATING TO RAILROADS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 40-831, Arizona Revised Statutes, is amended to
3 read:

4 40-831. Right-of-way through public lands: appropriation of
5 water: notice: hearing

6 A. The right-of-way for railroad and telegraph lines to the width of
7 one hundred feet on each side of the ~~center line~~ CENTERLINE of the track is
8 granted to railroad corporations over and through any of the lands belonging
9 to ~~the~~ THIS state.

10 B. ~~Where~~ IF deep excavations, heavy embankments or other cuttings,
11 ditches, drains, canals, culverts or other structures to protect the roadbed
12 and to facilitate its use and enjoyment are required for the grade or other
13 uses, at ~~such~~ THOSE places a greater width of lands may be taken by the
14 corporation and is granted to it not exceeding in addition five hundred feet
15 in width, and the right is ~~hereby~~ further granted to the corporation to
16 locate, occupy and hold as much of the lands as necessary for sites and
17 grounds for watering places, stations and other buildings or structures along
18 the line of the railroad necessary for the operation ~~thereof~~ OF THE RAILROAD.

19 C. ~~Such~~ RAILROAD corporations may appropriate as much of the waters of
20 any springs or streams on the lands as necessary to operate the lines,
21 together with a right-of-way over the lands to the springs and streams for
22 the pipes, ditches, aqueducts or other conduits, subject to the laws of the
23 state.

24 D. WITHIN FIFTEEN DAYS AFTER THE ACQUISITION BY ANY MEANS, INCLUDING
25 PURCHASE, LEASE OR OPTION TO PURCHASE OR LEASE, OF A RAILROAD RIGHT-OF-WAY
26 THROUGH PRIVATE LAND THE RAILROAD SHALL PUBLISH NOTICE OF THE ACQUISITION IN
27 A NEWSPAPER OF GENERAL CIRCULATION PUBLISHED IN THE COUNTY AND CITY OR TOWN
28 IN WHICH THE ACQUISITION IS TO TAKE PLACE, OR IF THERE IS NO NEWSPAPER OF
29 GENERAL CIRCULATION PUBLISHED AT THE PLACE OF ACQUISITION, IN THE NEWSPAPER
30 PUBLISHED NEAREST TO THE PLACE, AND BY POSTING NOTICES IN THREE CONSPICUOUS
31 PLACES AT THE PLACE OF ACQUISITION FOR AT LEAST THIRTY DAYS AFTER THE DATE OF
32 THE ACQUISITION. THE PUBLICATION AND THE NOTICE SHALL DESCRIBE THE
33 BOUNDARIES OF THE PROPOSED RAILROAD RIGHT-OF-WAY.

34 E. WITHIN THIRTY DAYS AFTER THE PUBLICATION OF A NOTICE OF ACQUISITION
35 UNDER SUBSECTION D, THE BOARD OF SUPERVISORS OF THE COUNTY IN WHICH THE
36 RIGHT-OF-WAY HAS BEEN ACQUIRED SHALL CONDUCT A PUBLIC HEARING REGARDING THE
37 IMPACT OF THE RAILROAD RIGHT-OF-WAY ACQUISITION ON THE RESIDENTS OF THE
38 COUNTY. NOTICE ANNOUNCING THE PUBLIC HEARING SHALL DESCRIBE THE BOUNDARIES
39 OF THE PROPOSED RAILROAD RIGHT-OF-WAY.